

**COLORADO STATE BOARD OF PHARMACY**  
**May 20, 2010**

**Minutes**

The Colorado State Board of Pharmacy meeting was convened by President Rich Doyle, R.Ph., at approximately 8:30 a.m. on Thursday, May 20, 2010 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., E. Katherine Edelblut, R.Ph., Leonard L. Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chief Inspector, Chris Gassen, R.Ph.; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; and Lisa Cornett, R.Ph., Inspector. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

**APPROVAL OF MINUTES**

The Board approved the minutes from the April 15, 2010 meeting as amended.

**ADDITIONS TO THE AGENDA**

A general issue involving two recent pharmacy intern applications.

**APPEARANCES**

Rebecca Heck, BSN, RN, MPH, the Director of the Pharmacy Peer Health Assistance Diversion Program, presented the Program's third quarter report to the Board.

**HEARINGS**

The Board conducted a public hearing concerning additions or amendments to regulations 3.00.80 through 3.00.90, 5.00.55(b)(3), 15.01.12(c), 19.00.00, and 22.00.00 (3 CCR, 719-1). The hearing began at 9:30 a.m. and was held in Conference Room 110 D at 1560 Broadway, Denver, Colorado 80202. The Board reviewed all written comment and listened to all oral testimony regarding the proposed changes to the regulations. The Board discussed the proposed changes to the rules, then adopted regulations 3.00.80 through 3.00.90, 5.00.55(b)(3), 15.01.12(c) as proposed, adopted regulation 19.00.00 as amended, and deleted regulation 22.00.00 as proposed.

**REPORTS**

**President's Remarks**

Mr. Doyle thanked the Board for the opportunity to serve as both a Board member and Board president.

**Program Director's Report**

Ms. Anderson informed the Board that the Drug Enforcement Administration (DEA) had issued a subpoena for specific prescriber information from Colorado's Electronic Prescription Drug Monitoring Program (PDMP). Board staff had failed to honor the subpoena, and the DEA had filed a motion in federal court to enforce the subpoena. After serious consideration of available information, the Board voted unanimously to oppose the enforcement action.

Ms. Anderson requested guidance from the Board regarding the manner in which counteroffers from respondents should be handled for Board cases referred to the Office of Expedited Settlement (ESP) in lieu of presenting such offers to the Board at its future meetings. The Board voted unanimously to delegate the authority to the Program Director to deny any counteroffer made to ESP that is a request for dismissal, unless such request is accompanied by exculpatory information.

Ms. Anderson discussed with the Board an example of two recent pharmacy intern applicants who, while eager to begin employment in Colorado as a pharmacy intern, have expressed difficulty obtaining court documentation detailing affirmative answers to background questions in the application. After serious consideration, the Board directed its staff to require complete applications prior to issuing a license or referring the matter to the Board.

**Colorado Pharmacists Society (CPS) – Rich Doyle, RPh**

The CPS Annual Summer Meeting will be held on June 17-19, 2010 in Estes Park. Eight hours of continuing education will be offered. The program topics will include: drug therapy management for diabetes, pain, cardiovascular disease, and osteoporosis.

CPS has begun reviewing the Colorado Pharmaceuticals and Pharmacists Act in preparation for the Pharmacy Sunset Review in 2011. All proposed changes will be reviewed by the CPS Board, then presented to the Colorado Pharmacy Coalition for further discussion and development of a list of proposed changes.

Planning has begun for the CPS Annual Fall Meeting scheduled for October 14-16, 2010 at the Doubletree Hotel - Denver Technology Center. Twelve hours of continuing education will be offered. Details will be posted on the CPS website.

Mr. Limberis agreed to serve as the new CPS Liaison and to provide standing committee reports in this capacity at future Board meetings.

**Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh**

Mr. Limberis stated that because the GEEERC is not scheduled to meet again until July 2010, no report is available for this meeting.

**Intern & School Relations – Jeannine Dickerhofe, RPh**

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the pharmacy school will graduate 118 students from its traditional program and 37 students from its non-traditional program this year.

Ms. Dickerhofe reported, on behalf of the Regis University School of Pharmacy, that the school has completed its first professional year, and that it is looking forward to the decision to be granted candidate status by the Accreditation Council for Pharmacy Education (ACPE) Board at its June 2010 meeting. In addition to constructing two large classrooms and hiring additional pharmacy school staff, the school is looking into options for expanding its current facilities to accommodate a growing staff.

**Legislation - Jeannine Dickerhofe, RPh.**

Ms. Dickerhofe reported to the Board on various legislative bills that will affect the practice of pharmacy. Ms. Anderson reported on additional bills that will affect pharmacy practice.

**Inspectors**

None.

**OLD BUSINESS**

**Complaints**

**Bryan R. Helstad, RPH 11549 and Cases 2010-0465 and 2010-1096**

Ms. Edelblut recused.

The Board reviewed additional information provided by Estes Park Medical Center (OO 134) and Board staff pertaining to Cases 2010-0465, 2010-1096.

The Board voted unanimously to refer this matter to executive session for legal advice.

After executive session, the Board determined that no further action is needed at this time.

**Farideh S. Zanjani, RPH 13559 and Case 2010-3835**

Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

**Stipulations**

**Leonard D. McGinnity, RPH 9625**

The Board reviewed an Agenda Memorandum from Board staff member Tia Johnson regarding Mr. McGinnity's request to be released from the terms of his stipulation and final agency order. After due consideration of available information, the Board voted unanimously to release Mr. McGinnity from the terms of his stipulation and final agency order.

**Sharon K. Sanderson, RPH 13495**

Ms. Arceneaux recused.

The Board reviewed an Agenda Memorandum from Ms. Johnson regarding Ms. Sanderson's compliance with the terms of her stipulation and final agency order. After serious consideration of available information, the Board voted unanimously to refer the matter to executive session for discussion of possible disciplinary action.

**Oliver W. Stanford, RPH 14507**

Ms. Dickerhofe recused.

The Board reviewed an Agenda Memorandum from Ms. Johnson regarding Mr. Stanford's request to be released from the terms of his stipulation and final agency order on July 11, 2010. After serious consideration of available information, the Board voted unanimously to table further consideration of this request until its July 15, 2010 meeting.

**NEW BUSINESS**

**Complaints**

**Cardinal Health, WHI 6051**

**2010-3263**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Stanley E. Cropp, RPH 11857**

**2010-3076**

Ms. Arceneaux recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Shanna M. Geslin, RPH 18588**

**2010-3077**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**King Soopers Pharmacy # 80, PDO 80-30**

**2010-3001**

Ms. Arceneaux recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case with a letter of guidance.

**Rebecca S. Palmer, RPH 14948** **2010-3282**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**John C. Taylor, Jr., RPH 9275** **2010-3842**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**The Compounding Center, OSP 5511** **2010-2863**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case with a letter of guidance.

**Walgreen Pharmacy # 6283, PDO 104-65** **2010-2653**

The Board voted unanimously to dismiss this case as being without merit.

**Crayton C. Hayes, RPH 9675** **2010-3391**

The Board voted unanimously to dismiss the case with a letter of guidance.

**Kelvin L. Peterson, RPH 10568** **2010-3392**

Board voted unanimously to dismiss this case as being without merit.

**Joshua L. Cluff, RPH 18067** **2010-3390**

Board voted unanimously to dismiss this case as being without merit.

**Vicki L. Whipple-Mueller, RPH 14868** **2010-3058**

The Board voted unanimously to dismiss this case as being without merit.

The Board also voted unanimously to refer this matter to the Wyoming State Board of Podiatry.

**LICENSING/REGISTRATION**

**Andrew Kampfe, Pharmacist Applicant**

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to deny the application.

**John K. Soffa, Pharmacy Intern Applicant**

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to table the application pending receipt of additional information as requested by the Board.

**Brian T. Whitmer, Pharmacy Intern Applicant**

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to table the application pending receipt of additional information as requested by the Board. The Board delegated to the Program Director the authority to issue a license should the additional information indicate the applicant is able to practice with reasonable skill and safety.

**Scott Bottolfsen, Pharmacy Intern Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen and voted unanimously to approve the application.

**MISCELLANEOUS**

**Correspondence, etc.**

**Compounded Prescriptions and Auxiliary Labels, Don Johnson, the Walgreen Co.**

The Board considered a request from Mr. Johnson regarding the feasibility and costs associated with procuring auxiliary labels for compounded prescriptions which comply with Board Regulation 21.11.10(a)(5). After serious consideration of available information, the Board directed its staff to propose amended language to this regulation for consideration at a future rules hearing.

**Patient Safety Task Force Meeting Minutes, February 17, 2010.**

The Board noted the information.

**Prescription Drug Monitoring Program (PDMP) request from Jennifer L. Place, Peer Assistance Services (PAS).**

The Board approved of entering into a contract for specific PDMP information for the purpose of research and education when the Program Area is fully staffed and trained.

**Proposed Amendments to the Constitution and Bylaws, National Association of Boards of Pharmacy, Carmen A. Catizone, Executive Director/Secretary**

The Board noted the information

**Response from the Colorado State Board of Medical Examiners (BME) regarding Kaiser Permanente's Request for Amendments to Board Regulation 6.00.00**

Ms. Dickerhofe recused.

The Board reviewed information from the BME which indicates that it does not support the expansion of drug therapy management to include criteria-based referrals for pharmacy drug therapy management. After serious consideration of available information, the Board unanimously voted to deny Kaiser Permanente's request.

**Update on 2010 Executive Committee Nominations, the National Association of Boards of Pharmacy, Carmen A. Catizone, Executive Director/Secretary**

The Board noted the information.

**EXECUTIVE SESSION**

At 11:25 a.m., Board President Rich Doyle moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with six votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 1:19 p.m.

### **Open Session**

#### **Case 2010-2938**

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

#### **Robert A. Governski, RPH 14225**

The Board voted unanimously to suspend Mr. Governski's pharmacist license if he fails to comply with the terms of his contract with Peer Assistance Services (PAS) as non-compliance with the PAS contract would constitute a violation of his Stipulation and Final Agency Order.

### **ADJOURNMENT**

The Board adjourned at approximately 1:23 p.m.

*Approved by Jeannine Dickerhofe, R.Ph., President      Date: July 15, 2010*